

Termination of NPDES Permit Coverage at Project Closeout

For Storm Water Pollution Prevention Plan (SWPPP) projects, Caltrans is responsible for compliance with all construction requirements under the National Pollutant Discharge Elimination System (NPDES) permits until a Notice of Completion of Construction (NOCC) is filed with the appropriate Regional Water Quality Control Board (RWQCB). This bulletin reviews NOCC filing requirements and provides a checklist for the Resident Engineer (RE) to review prior to the filing.

Contractor Responsibility

On SWPPP projects, the contractor is responsible for water pollution control until Caltrans relieves the contractor from maintenance or accepts the contract. The RE must ensure that the contract for a SWPPP project complies with all NPDES permit requirements, and that the contractor has met all water pollution control contract requirements before relief from maintenance is granted for any portion of work or before accepting the completed contract.

Relief from maintenance should be granted only when all contract requirements have been met for that portion of work, including implementation of permanent erosion control. Relief from maintenance for specific work does not relieve the contractor from responsibility for water pollution control for remaining work on the site.

NOCC Requirements

All Caltrans SWPPP construction projects are regulated under the Caltrans NPDES Permit (No. CAS000003) which incorporates the NPDES Statewide Construction Permit (No. CAS000002) by reference. In some cases, a project is regulated under a local NPDES permit issued by the RWQCB, in lieu of the Statewide Construction Permit. Such local permits typically cover specific geographical areas such as the Lake Tahoe Hydrological Unit or the San Jacinto Watershed.

The *Caltrans Construction Manual*, Section 7-104B (2), Resident Engineer Responsibilities, states that upon acceptance of the contract, the RE must file Form CEM-2003, Notification of Completion of Construction, with the RWQCB.

Typically, the RE prepares the NOCC, obtains the signature of the designated District representative, and submits it to the RWQCB. Submittal procedures vary by District, so the RE should contact the District Construction Storm Water Coordinator (CSWC) for specific instructions, including any requirements for a final site inspection by the CSWC or designated staff prior to filing.

Appendix A of the Construction Manual contains a copy of Form CEM-2003 with instructions. An electronic version of the form is available through the Caltrans Electronic Form System.

Filing an NOCC is sufficient to terminate coverage under the Caltrans Permit and the Statewide Construction Permit or local permit. Note that different requirements may apply to terminating RWQCB NPDES permits for dewatering operations.

Water Pollution Control Checklist

Prior to filing Form CEM-2003, the RE must verify that the contractor has fulfilled all storm water and non-storm water requirements of the SWPPP, including the following tasks related to water pollution control:

- Temporary Best Management Practices (BMPs) have been removed, unless provisions for leaving the BMP(s) in place have been made in the contract documents, i.e., fiber rolls on slopes.
- Final soil stabilization of disturbed areas has achieved 70 percent of background native vegetation coverage or equivalent stabilization measures have been applied (See Vol. 5, Issue 8).
- All visible signs of erosion on the site have been repaired.
- Post-construction BMPs are in place and operational.
- A post-construction storm water operation and management plan, if one exists formally, has been implemented in compliance with NPDES permit requirements.
- The project site has been cleared of all debris and construction materials, and wastes have been disposed of properly.
- All drainage conveyances are installed and in proper working order with proper outlet protection.



Type C or Type D erosion control is an equivalent measure that may meet final soil stabilization



The RE should verify that drainage conveyances, such as this slope drain, are properly installed with outlet protection.

- Drainage facilities constructed during the contract are complete and in a clean state of condition.

SWPPP Documentation

The Construction Manual, Section 7-104B (6), Project Files, requires the RE to retain all required documents related to storm water pollution prevention in Category 20 of the project files for at least three years after contract completion. The RE should verify that the files contain the following:

- SWPPP with all amendments, logs, and annual certifications complete with required approval signatures.
- Daily reports and photographs related to water pollution control.
- Inspection reports conducted by the contractor, Caltrans project staff and Storm Water Task Force.
- Water quality sampling logs and analytical reports.
- Contractor's discharge logs and reports.
- All related correspondence, including any notices of noncompliance, and any reports, checklists, etc., inserted in the RE Pending File by the Project Engineer.
- Form CEM-2003 and other notices of NPDES permit termination.

